

**TOWN OF LOS GATOS
CALIFORNIA
TOWN COUNCIL/PARKING AUTHORITY
JOINT REDEVELOPMENT AGENCY
OCTOBER 4, 2004 / MINUTES**

Los Gatos Civic Center
110 E. Main Street
Los Gatos, CA 95030

TIME	ITEM	ACTION ON ITEM
7:00 PM	TOWN COUNCIL	The Town Council/Parking Authority/Redevelopment Agency of the Town of Los Gatos met in the Council Chambers of the Town Hall, 110 East Main Street, at 7:00 p.m., Tuesday, October 4, 2004, in a joint regular session.
7:00 PM	ROLL CALL	Present: Sandy Decker, Diane McNutt, Joe Pirzynski, Mike Wasserman and Mayor/Chairman Glickman. Absent: None
7:01 PM	PLEDGE OF ALLEGIANCE	The audience was invited to participate in the Pledge of Allegiance.
7:02 PM	CLOSED SESSION	<p>Town Attorney, Orry Korb, reported that Council had met in Closed Session prior to this evening's meeting pursuant to Government Code Section 54957 regarding Public Employee Performance Evaluation, Town Attorney. Council gave direction. No reportable action was taken.</p> <p>Pursuant to Government Code Section 54957.6 regarding Conference with Labor Negotiator for Town , Pamela Jacobs, Assistant Manager and AFSCME Negotiations. Council gave direction. No reportable action was taken.</p> <p>Pursuant to Government Code Section 54956.8 regarding Conference with Real Property Negotiator: Property at 115 North Santa Cruz Avenue. Parties: Town of Los Gatos and CH Restaurant Properties LLC. Price and Terms are Under Negotiations. Council gave direction. There was no reportable action taken.</p>

TIME	ITEM	ACTION ON ITEM
7:03	PRESENTATIONS	PRESENTATIONS/COMMENDATIONS
7:04 PM	COMMENDATION ARTS COMMISSION	Mayor Glickman presented a Commendation from the Town of Los Gatos to Jules MacLean for her services to our community while serving on the Arts Commission. Ms MacLean was present to receive her commendation and thanked the Mayor.
7:05 PM & 9:05 PM	COMMENDATION COMMUNITY SERVICES COMMISSION	Mayor Glickman presented a Commendation from the Town of Los Gatos to Jennifer Werner for her services to our community while serving on the Community Services Commission. Ms Werner received her commendation later in the evening (9:05 pm) and thanked the Mayor for being so honored.
7:06 PM	COMMENDATION ARTS SELECTION PANEL	Mayor Glickman presented a Commendation from the Town of Los Gatos to Sharon Cunningham for her services to our community while serving on the Arts Selection Panel. Ms Cunningham was not present but will receive her commendation at a later date.
7:07 PM	PRESENTATIONS AND COMMENDATIONS MUSIC IN THE PARK PROGRAM	<p>Mayor Glickman presented Commendations from the Town to the many participants and contributors to the Music in the Park program. He spoke highly of this community involvement which supports the business community and the downtown improvement and beautification projects. The following people were present to receive there commendations and thanked the Town for the opportunity to have served our wonderful community in this manner.</p> <p><i>Recipients of Commendations:</i></p> <p>Akeena Solar, Alain Pinel Realtors, Andale Mexican Restaurant, Blacy's Fine Jewelers, Bob Lewis Automotive Family, Coldwell Banker Los Gatos, Community Hospital of Los Gatos, eBay Foundation, Gil & Sandy Decker, Hopkins & Carley, A Law Corporation, Hotel Los Gatos - Kuleto's & Preston Wynne Spa, Los Gatos Coffee Roasting Company, Los Gatos Meadows, Los Gatos Weekly Times, Lucchesi Communications, Rotary Club of Los Gatos, Tangles Salon, Testarossa Vineyards, The Beck Family, Victoria Capital, Inc., Washington Mutual, Whole Foods Market of Los Gatos, Wells Fargo Bank.</p>

TIME	ITEM	ACTION ON ITEM
7:12 PM	CONSENT ITEMS	CONSENT ITEMS
	ITEM 1 SCHEDULE OF PUBLIC HEARINGS	Motion by Ms McNutt , seconded by Mrs. Decker, that Council accept and file informational report regarding currently scheduled public hearings. Carried unanimously. (01.28)
	ITEM 2 PAYROLL RATIFICATION FOR AUGUST- SEPTEMBER 2004	Motion by Ms McNutt , seconded by Mrs. Decker, that Council ratify the check register for payroll of August 29, 2004 through September 11, 2004 paid on September 17, 2004 in the amount of \$561,323.38. Carried unanimously. (02.V)
	ITEM 3 ACCOUNTS PAYABLE FOR AUGUST 2004	Motion by Ms McNutt , seconded by Mrs. Decker, that Council ratify the check register for accounts payable invoices paid on September 10, 2004, September 17, 2004 and September 24, 2004 in the amount of \$2,343,095.08. Carried unanimously. (03.V)
	ITEM 4 FISCAL YEAR 2003/2004 ANNUAL REPORT	Motion by Ms McNutt , seconded by Mrs. Decker, to accept and file the Fiscal Year 2003-2004 Annual Report. Carried unanimously. (04.09)
	ITEM 5 WEST VALLEY SANITATION DISTRICT SEWER SERVICES	Motion by Ms McNutt , seconded by Mrs. Decker, that Council approve the transition plan for the transfer of maintenance responsibilities for the Los Gatos sewer collection system from the Town of Los Gatos to West Valley Sanitation District. Carried unanimously. (05.40)
	ITEM 6 HAUNTED FOREST SPECIAL EVENT @ OAK MEADOW PARK	Motion by Ms McNutt , seconded by Mrs. Decker, that Council accept and file staff report on a special events permit for the Haunted Forest to be held at Oak Meadow Park from October 15 th through October 31 st . Carried unanimously. (06.10)
	ITEM 7 DOMESTIC VIOLENCE AWARENESS Resolution 2004-118	Motion by Ms McNutt , seconded by Mrs. Decker, that Council adopt Resolution 2004-118 entitled, <u>RESOLUTION OF THE TOWN OF LOS GATOS PROCLAIMING OCTOBER 2004 AS DOMESTIC VIOLENCE AWARENESS MONTH.</u> Carried unanimously. (07.28)

TIME	ITEM	ACTION ON ITEM
7:12	CONSENT ITEMS	CONSENT ITEMS CONTINUED
	ITEM 8 WEST VALLEY- MISSION- COMMUNITY COLLEGE BOND MEASURE Resolution 2004-119	Motion by Ms McNutt , seconded by Mrs. Decker, that Council adopt Resolution 2004-119 entitled, <u>RESOLUTION OF THE TOWN OF LOS GATOS SUPPORTING MEASURE "H" - THE WEST VALLEY-MISSION COLLEGE DISTRICT RENOVATE AND REPAIR BOND MEASURE ON THE NOVEMBER 2004 BALLOT.</u> Carried unanimously. (08.28)
	ITEM 9 INTER- OPERABILITY PROJECT SILICON VALLEY Resolution 2004-120	Motion by Ms McNutt , seconded by Mrs. Decker, that Council adopt Resolution 2004-120 entitled, <u>RESOLUTION OF THE TOWN OF LOS GATOS AUTHORIZING THE TOWN MANAGER TO EXECUTE A SECOND AMENDMENT TO THE JOINT FUNDING AGREEMENT (JFA) WITH OTHER SANTA CLARA COUNTY CITIES TO UPDATE THE CURRENT SCOPE AND AUTHORITY OF THE SILICON VALLEY REGIONAL INTEROPERABILITY PROJECT (SVRIP).</u> Carried unanimously. (09.41)
	ITEM 10 BELOW MARKET PRICE HOUSING PROGRAM Resolution 2004-121	Motion by Ms McNutt , seconded by Mrs. Decker, that Council adopt Resolution 2004-121 entitled, <u>RESOLUTION OF THE TOWN OF LOS GATOS AUTHORIZING THE TOWN MANAGER TO EXECUTE PURCHASE AGREEMENTS FOR BELOW MARKET PRICE HOUSING PROGRAM UNITS IN URGENCY CIRCUMSTANCES, AUTHORIZING RELATED BUDGET ADJUSTMENTS, AND RESCINDING RESOLUTION 2002-177.</u> Carried unanimously. (10.39)
7:12	REDEVELOPMENT	REDEVELOPMENT AGENCY
	ITEM 11 ACCOUNTS PAYABLE FOR SEPTEMBER 2004	Motion by Ms McNutt , seconded by Mrs. Decker, that the Agency ratify the check register for accounts payable invoices paid on September 10, 2004, September 17, 2004 and September 24, 2004 in the amount of \$24,177.77. Carried unanimously. (11.V)
7:12	COUNCIL/AGENCY	TOWN COUNCIL/REDEVELOPMENT AGENCY
	ITEM 12 MINUTES SEPTEMBER 20, 2004	Motion by Ms McNutt , seconded by Mrs. Decker, that the Town Council/Redevelopment Agency approve the Minutes of the Joint Regular Meeting of September 20, 2004 as submitted. Carried unanimously. (12.V)

TIME	ITEM	ACTION ON ITEM
7:14	COMMUNICATIONS	VERBAL COMMUNICATIONS
7:14 PM	SPEAKERS ROBERTS ROAD BRIDGE	ROBERTS ROAD BRIDGE CLOSURE Paul Vieth spoke regarding Council's decision to close the bridge on Roberts Road. He noted that he walked through the neighboring areas and asked if the residents wanted the bridge closed, of those asked 54 wanted the bridge to stay open Laura DiPiero asked that the closure happen slowly, or a little at a time as repairs are made to the bridge. She does not want to see a sudden change without more residential input. Peggy Willey appealed the closure and submitted a petition from the neighbors to keep the bridge open and repaired to look like it does now. Michael Montgomery spoke about the traffic on the road and the need to keep the bridge open for vehicles. Irene Ringer resident is worried about traffic remaining in her neighborhood and parking there because it has no way out. Kim Gavin asked for further study and funding ideas for working on the restoration of the bridge. Marilyn Anderson spoke of the traffic already in her neighborhood and believes the bridge closure would force even more to drive through looking for parking. Wesley Poate would like to see a lot more information on how this is to work and clearly defining what will take place over time. Kimerly Poate spoke against bridge closure and noted that she supported all the comments made so far. Ray Davis raised questions concerning the Brown Act and proper notification regarding the possibility of street closure before the Council took action on that issue. Sandy Jordan did not receive notice about the closure. She asked that this issue be studied carefully if the bridge is to be left as a pedestrian bridge, due to the fact that skateboarders will be more tempted to use it if there is no traffic permitted on it.
	SPEAKER STAFF RESPONSE TO ROBERTS ROAD	ROBERTS ROAD STAFF REPORT John Curtis explained the work and study that has been done in investigating the feasibility of repairing this bridge. Traffic impacts and volume on surrounding streets have been measured and studied. With that three options were determined: 1) To close the bridge and leave open for foot traffic and bicycles; 2) Repair the scour at the base due to deterioration of concrete over the years, which will cost about \$1,000,000; 3) Replace with a modern bridge which CalTrans will fund 80% of.

TIME	ITEM	ACTION ON ITEM
7:14 PM	COMMUNICATIONS	VERBAL COMMUNICATIONS
	ROBERTS ROAD COUNCIL COMMENTS	ROBERTS ROAD BRIDGE CLOSURE CONTINUED COUNCIL COMMENTS: * Staff to work with neighbors * Staff to re-evaluate the traffic studies * Develop more specific plans for the bridge closure * Re-evaluate the feedback from trial * Report back to Council with findings
	ROBERTS ROAD SPEAKERS CONTINUED	Michael Deloumi spoke on keeping the bridge for foot traffic and alternative modes of transportation. Tom Willey questioned Council on making so sudden a decision before the neighborhoods and people who use the bridge could make thoughtful suggestions and offer the people's opinions and comments.
7:46 PM	SPEAKER - CLEAN WATER ACT	CONCERNING CLEAN WATER ACT Cameron Colson , Herring Ave, San Jose, spoke concerning code enforcement to curtail certain activities that did not uphold the Clean Water Act and adhere to Los Gatos Code Section 22. He said he was speaking publicly concerning this issue and requested some answers to his questions. Orry Korb , Town Attorney, responded and asked that Mr. Colson meet with him and funnel all his paper work and evidence through his office.
	OTHER BUSINESS	OTHER BUSINESS
7:51 PM	ITEM 13 SKATEBOARD PARK AT MILES AVENUE PARKING LOT	SKATEBOARD PARK AT MILES AVENUE PARKING LOT Mayor Glickman announced that this was the time and place so noticed to discuss and consider: a.) Approval of final preliminary design for a skateboard park to be located at the Town-owned parking lot on Miles Ave; b.) Direction to submit applications for State Park Bond Funds for the skateboard park; c.) Direction on supervision for the skateboard park and requirements for wearing safety equipment. (13.33)
7:52 PM	SKATEBOARD PARK Staff Report	Pamela Jacobs , Assistant Manager, gave report on the estimated costs for building a skateboard facility. She noted that \$946,500 has been the amount identified to complete this project and asked for Council direction in seeking grants and proceeding with fund raising activities with the community to raise about \$820,000.

TIME	ITEM	ACTION ON ITEM
7:53 PM	OTHER BUSINESS	OTHER BUSINESS CONTINUED Skateboard Park at Miles Avenue Parking Lot
	ITEM 13 Staff report coninued	Pamela Jacobs (continued) Asked for direction on enforcing the safety concerns of the park. She addressed the need for protective gear such as helmets and elbow guards. She asked if staff could proceed with the issuing of permits. Bruce Playle , Consultant and Architect for the proposal, spoke of the final design before Council this evening and of the many meetings that were held with the community. He noted that concrete is the quietest medium for such a park and that fencing would add safety after hours.
	ITEM 13 COUNCIL COMMENTS	COUNCIL COMMENTS ON SKATEBOARD PARK: * Parking will remain along the freeway fence * Dumping area for the Town will remain in same location * The Grant Funding and Fund Raising Committees were introduced * The need for two entrances was discussed * One entrance for those arriving on foot and another for those arriving by car * Liability concerns were were discussed and Mr. Korb and Mr Playle noted the risk analysis and the opportunity to work on an ordinance to cover the issues of the skatepark
	ITEM 13 SPEAKERS	SKATEBOARD PARK AT MILES AVENUE PARKING LOT SPEAKERS TO THE SUBJECT: Eric Reichwein , spoke of the contingency costs and commented on the stray baseballs and suggested placing a net to stop them. Michael Deloumi spoke of protecting the skaters from stray balls from the baseball field and did not want to wear safety gear. Joanne Peth spoke about the gate and fund raising efforts. Supported the need for two entrances. Karen Deloumi , spoke of the second entrance developing into a potential problem but believes the trees to stop stray balls can also serve to provide shady areas. Ryan Honda addressed the leaves falling from the trees and creating a hazard for the skaters. He thought the net would provide better safety from stray baseballs. Jonny Holst asked why the ten foot setback was necessary. Assistant Manager Jacobs explained that there were public utility right of ways in those setbacks. Sanjeev Chitre spoke of a broad base of people to help with the fund raising. He spoke of various sponsoring efforts including seeking donations from corporations. He also asked for those young people

TIME	ITEM	ACTION ON ITEM
7:53 PM	OTHER BUSINESS	OTHER BUSINESS CONTINUED Skateboard Park at Miles Avenue Parking Lot
	SPEAKERS CONT.	<p>SKATEBOARD PARK SPEAKERS CONTINUE:</p> <p>Sanjeev Chitre (continued) who want and will use the park to come forward and assist in the fund raising activities.</p> <p>Ray Davis suggested that Monte Sereno be asked to participate in the fund raising activities for the skateboard park saying that their young people will be using the facility and that Monte Sereno has the same rights to Park Fund money from the State as Los Gatos has. He also suggested that Los Gatos and Monte Sereno use park dedication fees for helping offset the cost of this park.</p> <p>Serena Eichelberger spoke about the kids that attended the planning meetings and their enthusiasm for this project.</p>
8:46 PM	<p>MOTIONS and COUNCIL COMMENTS</p> <p>SKATEBOARD PARK AT MILES</p>	<p>MOTIONS & COMMENTS/SKATEBOARD PARK AT MILES</p> <p>Motion by Mr. Pirzynski, seconded by Mrs. Decker, that Council approve the final preliminary design for a skateboard park to be located at the Town-owned parking lot on Miles Avenue. Carried unanimously.</p> <p>Motion by Mr. Pirzynski, seconded by Mrs. Decker, that Council authorize staff to submit applications for State Park Bond Funds for the skateboard park. Carried unanimously.</p> <p>Motion by Mr. Pirzynski, seconded by Mr. Wasserman, giving the following direction on issues of supervision and the use of safety equipment:</p> <ul style="list-style-type: none"> * Provide 2080 hours of supervision through the Los Gatos-Saratoga Community Education and Recreation district and evaluate the need to continue supervision at the end of one year. * An estimated \$33,000 in funding for supervision will have to be allocated through the FY 05-06 budget process. * An ordinance will be introduced requiring safety equipment and signs posted to that effect even though supervision is provided. * The possibility of only indirect supervision being offered at a later date should be put in the CQA process so that document does not have to be redone in the future. <p>Carried by a vote of 4 ayes. Ms McNutt voted no, believing that indirect supervision should be offered first, and evaluations made on use and activities, before full supervision is budgeted. (13.33)</p>

TIME	ITEM	ACTION ON ITEM
9:06	RECESS CALLED	The Mayor called a ten minute recess.
9:16	PUBLIC HEARING	PUBLIC HEARING SANTA ROSA DRIVE 520/RESIDENTIAL APPEAL
9:17 PM	ITEM 14 520 SANTA ROSA APPEAL	SANTA ROSA DRIVE 520/RESIDENTIAL APPEAL Mayor Glickman stated that this was the time and place duly noted for public hearing to consider an appeal of the Planning Commission decision denying approval to construct a new single family residence on property zoned HR-2 ½. Architecture and Site Application S-04-055. Property location: 520 Santa Rosa Drive. Property Owner/Applicant: John Jahan and Mac Saberi. Appellant: Mac Saberi
	STAFF REPORT	Bud Lortz gave a report on the history of this application. He noted that staff, applicant and Planning Commission had gone as far as they could with this proposal and that the Planning Commission suggested that the application be started over with a totally new design addressing all the concerns reflected in Commission minutes and suggestions made by staff.
	SPEAKERS ITEM 14 520 SANTA ROSA	SPEAKERS TO THE SUBJECT: Mac Saberi addressed the most recent permits that were issued in this neighborhood. He is willing to reduce the square footage and the height but would prefer to keep the Mediteranean architecture. Selfia Halim would like the view of the house from Hicks Road to appear to be a single story home. She said that as it sits on a ridge its present design is far to large and wide. Connie Kasper spoke of other homes in the area and asked that this home be designed to blend with the neighborhood. Ray Davis spoke about saving the hillsides and issues relevant to that subject. He also spoke concerning the Planning Commissions decisions. Sanjeev Chitre noted that he was not allowed to build a huge house on his property and that he had to contour his home to fit the hillside. He asked that any new applications be held to the same standards. John Jahan noted that his plans were five feet lower than that stated in the report. He would like to retain the Mediteranean style and work with staff in complying with the requirements. Mac Saberi spoke again about height and grading compliance.

TIME	ITEM	ACTION ON ITEM
9:38 PM	PUBLIC HEARING ITEM 14	PUBLIC HEARING CONTINUED SANTA ROSA DRIVE 520/RESIDENTIAL APPEAL
9:46 PM	MOTION 520 SANTA ROSA ITEM 14	Motion by Ms McNutt , seconded by Mr. Pirzynski, to uphold the Planning Commission's decision and deny Architecture and Site Application S-04-055 noting that the applicant needs to begin again with a new application that will show a decided reduction in height, mass and scale. Council also noted that the Planning Commission did an excellent job and had very detailed minutes explaining the applicants' need to adhere to the hillside standards. Carried unanimously. (14.15)
	OTHER BUSINESS	OTHER BUSINESS
9:47 PM	ITEM 15 NORTH SANTA CRUZ AVENUE PAVING PROJECT	NORTH SANTA CRUZ AVENUE PAVING PROJECT Mayor Glickman announced that this was the time and place so noticed to discuss and consider: a) Directing staff to prepare a construction schedule of approximately eight weeks by closing North Santa Cruz Avenue in segments, or; b) Directing staff to prepare a construction schedule of approximately four weeks by closing North Santa Cruz Avenue entirely. (15.24)
	ITEM 15 STAFF REPORT N. SANTA CRUZ	John Curtis , Public Works Director, spoke of the many meetings that have been held with the residents and business communities to discuss issues and mitigate the impacts to these sectors that this project will cause. He spoke of the large amount of grading that needs to be done with the current surface removal and then he outlined the two proposed schedules for accomplishing this project with the least impact to the neighborhoods.
	MAYOR RECUSED FROM THIS ISSUE	Mayor Glickman recused himself from this item on the agenda. He noted that he had just moved into the downtown area and was living just a few feet from the proposed project. Mr. Wasserman , as the vice-mayor, accepted the duty of conducting the meeting at this point.
	ITEM 15 COUNCIL COMMENTS	NORTH SANTA CRUZ AVENUE PAVING PROJECT COUNCIL COMMENTS: * The four week version should be implemented. * There are rear entrance ways to all businesses that can be utilized during the street improvement project. * Signage will be placed and prominent to help folks find parking during the street reconstruction. * VIPs will be placed near stop signs to help direct motorists.

TIME	ITEM	ACTION ON ITEM
	OTHER BUSINESS	OTHER BUSINESS
	ITEM 15 STREET RESURFACING PROJECT COUNCIL COMMENTS	NORTH SANTA CRUZ AVENUE PAVING PROJECT COUNCIL COMMENTS: * There will be no construction on Sundays to disturb the Farmer's Market and Music in the Park. * The project will start in July and end before Labor Day. * Hours of operation will be 6AM to 6PM.
	ITEM 15 MOTION PAVING PROJECT	Motion by Mr. Wasserman , seconded by Ms McNutt, that Council authorize staff to prepare a construction schedule of approximately four weeks by closing North Santa Cruz Avenue (Main Street to Highway 9) entirely. Carried unanimously. (15.24)
10:25 PM	ITEM 16 COUNCIL MATTERS	There were no Council Matters for discussion this evening. (16.28)
10:26 PM	ITEM 17 MANAGER MATTERS	MANAGER MATTERS Board and Commission Vacancies: The Community was reminded that there were several openings on boards and commissions and that applications were due by 5PM Friday. (17.28)
10:28 PM	ADJOURNMENT	Mayor Glickman adjourned this evening's meeting at 10:28 PM.

ATTEST:

Marian V. Cosgrove
Town Clerk
Secretary to the Redevelopment Agency.